

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -NOVEMBER 6, 2007- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 8:05 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(07-517) Mayor Johnson announced that Resolutions of Appointment [paragraph no. 07-518] would be addressed first.

REGULAR AGENDA ITEMS

(07-518) Resolution No. 14154, "Appointing Peter Y. Horikoshi as a Member of the Civil Service Board." Adopted; and

(07-518A) Resolution No. 14155, "Appointing Jeff Wood as a Member of the Golf Commission." Adopted.

Councilmember Matarrese moved adoption of the resolutions.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath of Office and presented certificates of appointment to Mr. Horikoshi and Mr. Wood.

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Mayor Johnson called a recess to hold the Special Joint City Council and Community Improvement Commission Meeting at 8:09 p.m. and reconvened the Regular City Council Meeting at 8:15 p.m.

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AGENDA CHANGES

(07-519) Mayor Johnson announced that the Public hearing to consider an appeal of the Planning Board's decision to approve the First Addendum [paragraph no. 07-528] was removed from the agenda due to the Appellant withdrawing the appeal.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

## CONSENT CALENDAR

Mayor Johnson announced that the Minutes [paragraph no. 07-520] and Introduction of Ordinance [paragraph no. 07-523] were removed from the Consent Calendar for discussion.

Councilmember deHaan moved approval of the remainder of the Consent Calendar.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(07-520) Minutes of the Special and Regular City Council Meetings held on October 16, 2007.

Councilmember deHaan stated that the October 9 Closed Session minutes do not have the disposition of the voting.

The City Attorney stated said minutes report out the Mayor's statement on the action taken; normally, votes are not reported; the vote is public record information; the vote can be added.

Councilmember deHaan requested that the vote be added to the minutes.

The City Clerk noted that the October 9 minutes were previously approved on October 16.

The City Attorney noted that the vote could be reflected in the October 16 Closed Session minutes when the October 9 announcement was made.

Councilmember deHaan moved approval of the minutes with adding the October 9 Closed Session vote to the October 16 Closed Session minutes.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Councilmember deHaan requested Closed Session votes be represented in the Minutes.

(\*07-521) Ratified bills in the amount of \$3,700,971.35.

(\*07-522) Recommendation to approve Amendment No. 5 to the Alameda County Emergency Dispatch Consortium Mutual Aid Agreement to assign

the rights and obligations of the Regents of the University of California to Lawrence Livermore National Security, LLC. Accepted.

(07-523) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter XIII (Building and Housing) by Repealing Article I (Uniform Codes Relating to Building, Housing and Technical Codes) in Its Entirety and Adding a New Article I (Uniform Codes Relating to Building, Housing and Technical Codes) to Adopt the 2007 California Building Code, the 2007 California Historical Building Code, the 2007 California Electrical Code, the 2007 California Plumbing Code, the 2007 California Mechanical Code, the 2007 California Energy Code, the 1997 Uniform Housing Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and by Amending Chapter XV (Fire Prevention) by Repealing Section 15-1 in Its Entirety and by Adding a New Section 15-1 to Adopt the 2007 Edition of the California Fire Code. Introduced.

Vice Mayor Tam inquired what is the City's stance on monitoring soft story buildings, provisions of enforcement, and eventual phase out because of seismic integrity.

The Building Official responded staff is working on an ordinance addressing soft story buildings and providing standards for retrofitting and the option to make it mandatory or voluntary.

Vice Mayor Tam inquired whether said ordinance would be in addition to tonight's ordinance, to which the Building Official responded in the affirmative.

Vice Mayor Tam moved introduction of the ordinance.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(\*07-524) Ordinance No. 2974, "Amending the Alameda Municipal Code by Repealing and Amending Various Sections of Article I (Parking Lots) and Article II (On Street Parking Meter Zones) of Chapter XII (Designated Parking) and Adding a Definition Section (Section 12-0) Applicable to All Articles to Provide for the Regulation of Public Parking Surface Lots and Parking Structures Administered by the City of Alameda." Finally passed.

#### REGULAR AGENDA ITEMS

(07-525) Public Hearing to consider adopting Amendment #1 to Fiscal Year 2007-2008 Community Development Block Grant Action Plan, and authorizing the City Manager to negotiate and execute

grant agreements and related documents.

The Development Services Director provided a brief presentation.

Mayor Johnson opened the public portion of the hearing.

Liz Varek, Building Futures with Women and Children Executive Director, thanked Council for the support in completing Capital Improvements at the Midway Shelter.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(07-526) Resolution No. 14156, "To Increase On-Street Parking Meter Rates in Certain Areas of the Park Street Business District from \$0.50 to \$1.00 per hour." Adopted.

The Development Services Director provided a brief presentation.

Vice Mayor Tam stated that the approach is good in trying to manage the Park Street parking issue; the staff report states that traffic would be reduced by 30% because of less cruising and that additional revenue would be used solely for parking and street improvements within the Park Street Business District; inquired whether there would be opportunities to use the additional revenue and potential citation increases for other modes of transportation such as shuttles in order to further reduce traffic congestion on Park Street.

The Development Services Director responded that she is not sure what can be done with the fine and fee revenue; stated the incremental increase generated by increases within the four or five block area would be sequestered within the parking fund and used for parking related eligible activities in the Park Street district.

Councilmember Gilmore inquired whether some of the money could be used for more bike racks or bus shelters which would encourage people to get out of cars.

The Development Services Director responded that she would have to defer the question to the City Attorney; stated she would assume that the money could be used in any way.

Councilmember Gilmore suggested broadening the enabling language so that there would be an opportunity to use the funds for other things.

The Development Services Director stated that the business community was told that they would have some input as to how the incremental funds would be spent.

Councilmember Gilmore stated that the language should be broadened to allow input from the business community; the matter would not have to be revisited again if there is a consensus to install more bike racks or shelters on Park Street.

Councilmember Matarrese inquired whether the money could be used for something else.

The City Attorney responded in the affirmative; stated an ordinance covers the parking meter fund uses and has almost every imaginable use related to parking; Council has the legal ability to amend the ordinance.

Councilmember Matarrese inquired why the ordinance is coming to Council now and then going back to the Transportation Commission and Economic Development Commission.

The Development Services Director responded the entire parking study would go back to the Transportation Commission; stated the item was extracted out because it can be done without the analysis of other parking district issues which analyze capacity, etc.

Councilmember Matarrese inquired why the issue is coming to Council now if the study has not been finalized.

The Development Services Director responded the parking study is falling behind; stated adjusting all of the meter heads will take many weeks; the meters need to be ready when the garage opens.

Councilmember Matarrese inquired whether the Transportation Commission or Economic Development Commission have a recommendation at this time.

The Development Services Director responded in the negative; stated that she is not sure whether the Transportation Commission has jurisdiction over setting rates.

Mayor Johnson inquired whether the increase would provide enough incentive to impact repeat offenders.

The Development Services Director responded staff has made the information available; stated enforcement will increase.

Mayor Johnson inquired whether another ticket is issued after the first ticket, to which the Development Services Director responded in the affirmative.

Mayor Johnson inquired whether there is an extra fine for a second ticket.

The Police Lieutenant responded a second ticket can be issued after twenty-four hours.

Mayor Johnson stated that the time for the second issuance needs to be changed; credit card meters should be reviewed; changing parking to one hour in premium areas could be considered after the situation has been monitored.

The Development Services Director stated the whole parking issue is an experiment; things will need to be tried and tweaked if necessary.

Richard Neveln, Alameda, stated the issue belongs in front of the Transportation Commission first; revenues can be raised through stricter enforcement of illegal left turns.

Jon Spangler, Alameda, stated that he supports the staff recommendation; the timeline needs to be met in connection with the opening of the parking structure; bike racks are needed; the City of Oakland has decimated its bike parking inventory by going to the computerized meters; he hopes that bicycle parking will be provided at necessary levels.

Robb Ratto, Park Street Business Association (PSBA), stated the PSBA Board voted overwhelmingly to support the staff recommendation; the proposed increase needs to be in conjunction with the opening of the garage; he has had numerous conversations with repeat offenders; repeat offenders will be reported to the two new parking technicians and would be ticketed; PSBA looks forward to working with Council on determining how the additional revenue would be spent.

Councilmember deHaan inquired whether the Alameda Avenue and Oak Street parking lots are full, to which Mr. Ratto responded there is one vacancy.

Councilmember deHaan stated redevelopment funds from all over the

City were used for the parking structure; there might be a problem in separating the additional funds; the healthy way to handle the issue would be to put the money into the existing fund.

Mayor Johnson stated that Vice Mayor Tam and Councilmember Gilmore addressed the use of existing provisions.

The City Attorney stated the parking meter fund is not restricted by the area nor does the proposed resolution purport to restrict any part of the funds to any area.

Mayor Johnson inquired whether the proposed resolution addresses how the money might be used, not where the money is used.

The City Attorney responded the proposed resolution sets the fee; the use of the parking fund is controlled by ordinance, which is very broad.

Councilmember Matarrese stated that he has no problem with raising parking violation penalties; timing should allow input and recommendations from the Economic Development Commission.

The Development Services Director stated that the Public Works Department advises that it will take four to six weeks to change out the meter heads.

Mayor Johnson stated that she does not feel the issue is at a level for the Economic Development Commission's consideration; parking fees are low and should have been changed years ago; parking fees should be adjusted on an ongoing basis; Council should move forward on the matter.

Councilmember Gilmore inquired whether the Transportation Commission has the authority to raise parking fees or penalties, to which the City Attorney responded in the negative.

Councilmember Gilmore inquired whether said issues would ever normally go to the Transportation Commission, to which the City Attorney responded in the negative.

Councilmember deHaan stated that Page 5 of the staff report states that approximately \$180,992 will be used solely on parking and street improvements within the Park Street Business District with Council's approval.

Mayor Johnson stated the resolution does not include said language; Council can clarify that the money would be put into a fund under the current ordinance.

Councilmember Matarrese stated the matter would have been reviewed by the Economic Development Commission under the normal process; the staff reports states that the incremental additional revenue will be spent within the Park Street Business District, which is not reflected in the resolution; the resolution does not have an effective date and is like a rough draft.

The City Attorney stated resolutions usually do not have an effective date; lead time is needed to change out the meter heads; an additional action would be needed to earmark the increment.

Councilmember deHaan inquired whether fund use was an important factor for PSBA to support the fee increase, to which the Development Services Director responded in the affirmative.

Councilmember deHaan inquired whether PSBA would support the increase without said condition, to which the Development Services Director responded she would need to go back and ask.

Councilmember deHaan inquired whether \$900,000 of parking meter funds was put into the parking structure.

The Development Services Director responded in the negative; stated there is a commitment for \$250,000 per year for debt service; a lump sum was not taken.

Mayor Johnson stated that she does not think that designating meter revenue to certain areas should be considered; a precedent should not be set.

Vice Mayor Tam inquired whether the rate increase would be confined to the area between Lincoln Avenue and Encinal Avenue, to which the Development Services Director responded in the affirmative.

Vice Mayor Tam inquired whether rate increases would be reviewed for other areas once the Wilbur Smith Associates (WSA) study is complete.

The Development Services Director responded that she is not sure whether the WSA study would recommend parking fee increases anywhere else; stated WSA has not identified any other high demand areas; parking problems arise over time as parking demand increases.

Councilmember Gilmore stated that she sees nothing wrong with using the incremental revenue generated from raising the parking fees in the Park Street Business District and spending the money in the



Park Street Business District; parking would not be in demand if said district was not successful; the Park Street District is generating an income stream to help with the parking issues; the same logic would apply in the event that the Webster Street District faced the same parking demands in the future.

Mayor Johnson suggested separating out the issue and considering what to do with the revenue at a later point if Council agrees to move forward with the suggested changes in the meter fees.

Councilmember Gilmore stated that she feels that business owners supported the increase because the revenue would go back into the District; PSBA needs to be advised if this is not the case.

Mayor Johnson stated the meter rates should be changed even if PSBA said that the meter rates should not be changed.

Mr. Ratto stated PSBA was told about the incremental revenue being kept in the Park Street District; he speculates that the vote would not have been 7 to 2 if said issue was not the plan; however, the PSBA Board probably still would have approved the plan.

Councilmember Matarrese stated that he is curious to know what the parking study shows in final form; rates have not been raised since 1994; parking space costs and meter maintenance have not gone down; inquired whether anyone looked into the possibility of raising the rate across the City and keeping the garage the same; raising rates versus revenue spending are separate issues.

Councilmember deHaan stated that everyone agrees that rates need to be raised because of comparisons with other cities; he feels that rates should be raised across the board.

Councilmember Matarrese suggested reviewing the parking study to see if the study examines raising the rates across the City; decoupling the increase from the expenditure is a good idea because the City already has an ordinance that addresses how parking meter revenue is expended.

The Development Services Director stated that the preliminary work done by WSA talks about demand areas; other areas throughout the City do not have the same meter demands as Park Street; the Park Street District parking meter rates are established at \$1.00; said rate is in the ordinance but has not been implemented.

The City Attorney stated the parking meter rate was included with the fees for the Master Fee Resolution in the past; the Master Fee resolution has an incremental increase which makes no sense with

the parking rate; the meter schedule, which is different from what was adopted in the resolution, may state \$1.00 but is not what the meters reflect and does not reflect the action taken by Council; the proposed resolution separates the parking meters from the Master Fee Resolution.

Mayor Johnson stated that she has no problem with bringing something back to raise meter rates throughout the City; the garage rates should start out at a lower rate and for a longer period of time to encourage long-term users to park in the parking structure; other cities have shorter term parking in high priority areas; garage structure rates will be easy to adjust to because there are no individual meters; the rates can be changed later if necessary.

Vice Mayor Tam moved adoption of the resolution.

Vice Mayor Tam stated that the resolution does not address how and where the funds would be expended and would be governed by the existing ordinance.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember Gilmore inquired whether there would be future discussion on how the funds would be expended and whether or not the funds should be designated for Park Street.

The City Manager responded the matter would be addressed in the budget discussion, which could include input from PSBA.

Councilmember Matarrese requested input from the Boards and Commissions identified in the report when the overall parking study is completed.

Councilmember deHaan stated that he feels a flat rate charge throughout the City would be better.

Mayor Johnson stated the Webster Street District might be a concern because said District is not as robust as the Park Street District; the matter needs to be reviewed; directed staff to review raising meter rates throughout the City.

On the call for the question, the motion carried by unanimous voice vote - 5.

(07-527) Resolution No. 14157, "To Increase Civil Penalties for Parking Violations." Adopted.

[Note: Refer to Resolution to Increase On-Street Parking Meter Rates [paragraph no. 07-526] for Council discussion.

Richard Neveln, Alameda, stated the increase changes from parking regulation into revenue generation and will keep people of lower economic status from going to Park Street.

Mayor Johnson stated increased fines would be used to recover costs, not generate revenue.

Robb Ratto, PSBA, stated the PSBA Board supports the increase; there has been a lack of resources in enforcement; raising meter rates and fines as well as having parking enforcement in the district Monday through Saturday should be effective.

Bill Smith, Alameda, discussed public transit.

Jon Spangler, Alameda, stated that he is in favor of increasing parking fines; it is the appropriate time to approve the increase.

Councilmember Gilmore moved adoption of the Resolution.

Councilmember deHaan seconded the motion.

Under discussion, Vice Mayor Tam noted the median rate for parking in a disabled zone is \$275; she would like the rate increased from \$250 to \$275.

Councilmembers Gilmore and deHaan agreed to amend the motion to change the fine for parking in a disabled zone to \$275.

On the call for the question, the motion carried by unanimous voice vote - 5.

(07-528) Public hearing to consider an appeal of the Planning Board's decision to approve the First Addendum to the Catellus Alameda Landing Mixed Use Development Project Supplemental Environmental Impact Report, the revised Waterfront Promenade Development Plan, and the second amendment to the Site-wide Master Landscape Plan; and adoption of related resolution. **Withdrawn at the Appellant's request.**

(07-529) Public hearing to consider an appeal of the Planning Board's decision to approve Design Review DR07-0003 at Tract 7884 (Alameda Landing Retail Center); and

(07-529A) Resolution No. 14158, " Upholding the Planning Board Approval of Design Review, DR07-0003, at Tract 7884 (Retail

Center)." Adopted.

The Planning Services Manager provided a brief presentation.

Mayor Johnson requested an explanation of the reasons staff supports the compromise site plan.

The Planning Services Manager responded the plan adds sidewalks on both sides of all four driveways; the compromise plan provides sidewalks as originally requested by the Planning Board; the circulation system differs from the plan presented to the Planning Board.

Mayor Johnson inquired what staff felt were the difficulties of the plan presented to the Planning Board.

The Planning Services Manager responded the plan created four parking pods which could only be accessed from one side; stated staff was concerned the circulation system being difficult and inconvenient for automobiles; preventing automobiles from turning onto the North-South driveway would create a short cut which could create a speeding problem; Catellus believed the plan would impact their ability to lease the buildings; the plan approved by the Planning Board is not typical and would be good for pedestrians, but not automobiles.

Mayor Johnson stated the plan might cause congestion within the pods, which pedestrians would have to deal with.

Vice Mayor Tam stated the compromise plan seems logical; a stamped concrete pedestrian pathway is discussed; inquired whether the plan could be enhanced by slightly raising the stamped pedestrian crossing area.

The Planning Services Manager responded the suggestion sounds possible and could be reviewed and discussed with Catellus.

Councilmember Gilmore stated that she had the same thought; cars pick up speed through Towne Center; inquired whether having a raised crosswalk would force traffic to slow down.

The Planning Services Manager responded that a speed table would cause cars to slow.

Councilmember Gilmore inquired whether the resolution includes new language regarding the right turn lane addressed in [Planning Board] Condition 6.

The Planning Services Manager responded in order to eliminate the open checkbook problem, staff is recommending adding back the underlined language in the resolution, which was removed by the Planning Board; stated in addition to said language, the following new sentence should be added at the end of the condition: "Notwithstanding the above, if a right turn lane is provided as part of the Stargell Extension Project, this condition shall no longer be in effect."

Councilmember Matarrese inquired who would pay for the Stargell extension.

The Planning Services Manager responded the project is a joint effort between Catellus and the City; further stated staff and the adjacent property owner are discussing trading a remnant piece of land at the east side of her property for the land needed to create a right turn pocket; creating the right turn would guarantee access to her property; everything in the condition would stand if the plan does not work; the only additional cost would be for 8 feet of asphalt if the land swap is done.

Councilmember deHaan inquired whether Vice Mayor Tam's suggestion to raise crosswalks would create disabled access issues, to which the Planning Services Manager responded in the negative; stated the raising would be ADA compliant.

Councilmember deHaan inquired whether the Planning Board wanted to have the walkway due to the problems at Towne Center, to which the Planning Services Manager responded in the affirmative.

Councilmember deHaan inquired whether the parking plan was problematic or whether Catellus was simply concerned about losing parking spaces.

The Planning Services Manager responded the loss of parking is always a concern for retailers; stated the total loss in the Planning Board plan was not astronomical; the real concern was circulation.

Councilmember deHaan inquired whether having a penetration every other aisle was considered, to which the Planning Services Manager responded said suggestion is another iteration that could be explored.

Councilmember deHaan inquired whether the Planning Board felt strongly about the plan.

The Planning Services Manager responded the Planning Board was

never provided with the compromise plan; stated the matter could be remanded back to the Planning Board.

Councilmember deHaan inquired whether the Planning Board requested sidewalks on both sides, to which the Planning Services Manager responded in the affirmative.

Councilmember deHaan inquired whether issue is loss of parking.

The Planning Services Manager responded the Master Plan established the maximum amount of parking; stated all plans are well within the Master Plan.

Mayor Johnson opened the Public Hearing.

In favor of remanding to the Planning Board: Jon Spangler, Alameda; and Karen Bey, Alameda.

Aidan Berry, Catellus, outlined the project; stated Catellus concurs with the staff recommendations; the appeal was filed without animosity because philosophical differences were reached; Catellus likes the suggestion to create raised crosswalks and will discuss the matter with its engineers; Catellus supports taking the parking plan back to the Planning Board.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember Matarrese moved approval of: 1) sending the compromise plan back to the Planning Board for review; 2) [adoption of the resolution] incorporating staff recommendations 1 and 2 regarding the Master Demolition, Grading, Infrastructure and Phasing Plan (MDGIP) and the driveway; and 3) adding additional language [to the resolution] to incorporate the language regarding the Stargell driveway right-hand turn condition.

Councilmember Gilmore inquired whether the entire matter should be remanded to the Planning Board since the matter has evolved.

The Planning Services Manager responded there is new information regarding the plan, which is why staff thought the matter should be remanded to the Planning Board; stated there is not new information on the MDGIP and driveway.

Councilmember deHaan inquired whether the Planning Board was concerned about said two items [MDGIP and driveway].

The Planning Services Manager responded the Board's concern was

very small regarding the MDGIP; the Board did not want the driveway closed; the additional sentence addresses how to resolve the issue.

Vice Mayor Tam requested clarification on remanding the matter to the Planning Board.

The Planning Services Manager stated the site plan would be remanded with direction to reconsider the decision in light of the new information.

Mayor Johnson inquired whether it might not be procedurally correct to send the other two items [MDGIP and driveway] back to the Planning Board.

The Planning Services Manager responded the matters could be sent back.

Mayor Johnson stated taking the two items off the table might make sense.

Councilmember Matarrese restated the motion: approval of staff recommendations 1 and 2 [regarding the MDGIP and driveway] and sending site plan 4 back to the Planning Board for review, comment and approval.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember Gilmore inquired whether the motion included the additional sentence regarding the right turn lane, to which Councilmember Matarrese responded in the affirmative.

Councilmember Gilmore inquired whether the motion included direction to have the Planning Board review raised crosswalks, to which Councilmember Matarrese responded in the affirmative.

On the call for the question, the motion carried by unanimous voice vote - 5.

Councilmember deHaan stated that he has seen the project design and has concerns regarding the size and mass of Buildings A and B; the Planning Board wants to take a second look at the matter; Building A is 67 feet tall and only houses one story.

Mayor Johnson inquired whether said matter is part of the agenda item and should be discussed.

The City Attorney stated the agenda item is specific to the appeal and the three items in the appeal, which should be the Council's

focus.

Councilmember Matarrese stated the matter should be addressed by the Planning Board; the Council should receive copies of the design, but the Planning Board should finish its job; the matter can be called for review if Councilmembers object to the outcome.

Mayor Johnson concurred; stated the Council should receive copies, but should not discuss something that is still at the Planning Board level.

Councilmember Gilmore inquired whether design review has been done.

The Planning Services Manager responded in the affirmative; stated design review was approved with the condition that the two buildings mentioned be further refined; height was a specific issue.

Councilmember deHaan stated that he would address the matter under Council Communications.

#### ORAL COMMUNICATIONS, NON-AGENDA

(07-530) Michael John Torrey, Alameda, provided a newspaper article; discussed emergency alerts.

(07-531) Bill Smith, Alameda, discussed raising the standards for earthquakes.

#### COUNCIL COMMUNICATIONS

(07-532) Councilmember Matarrese stated that he has received complaints regarding not having public restroom access at Alameda Power & Telecom; requested staff to review the matter.

(07-533) Councilmember Matarrese requested an update on the elevator at Independence Plaza.

The Assistant City Manager stated an Off Agenda Report was distributed today.

(07-534) Councilmember deHaan stated the public should be permitted to use the restroom facility on the second floor at AP&T.

(07-535) Councilmember deHaan stated that he comments on size and mass of structures at Alameda Landing.

Mayor Johnson stated that she wanted to make sure that



Councilmembers could comment on issues that are before the Planning Board; she does not want to get in trouble with the legal process.

The City Attorney stated there could be a perception of bias if Councilmembers comment on something that is going to be under the jurisdiction of an advisory group, such as the Planning Board, which could later come to Council either as an appeal or Call for Review; the matter is an appropriate item to discuss during Council Communications.

Councilmember deHaan stated Council talked about environmentally sound buildings that would be efficient and more sustainable; he is concerned with buildings that have large volumes inside, particularly big boxes; square footage within buildings should be reviewed; there are concerns with having buildings that are sixty-five feet tall for a single story building; Council needs to take a position on said issues; the City has an ordinance that prohibits billboards; he hopes that the City refrains from mock billboards; Council should do a review before design and mass situations develop.

#### ADJOURNMENT

(07-536) There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:34 p.m. in memory of Ichinkhorloo Bayarsaikhan.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -NOVEMBER 6, 2007- -6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:10 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-512) Conference with Labor Negotiators: Agency Negotiators:  
Craig Jory and Human Resources Director; Employee Organizations:  
All Public Safety Bargaining Units.

(07-513) Conference with Legal Counsel - Anticipated Litigation;  
Initiation of litigation pursuant to subdivision (c) of Section  
54956.9; Number of cases: One.

Following the Closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that regarding Labor, Council received  
a briefing on the procedures and status of negotiations with public  
safety bargaining units; no action was taken; regarding Litigation,  
Council received a briefing from its Legal Counsel on the matter of  
potential litigation; no action was taken.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown  
Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND HOUSING  
AUTHORITY BOARD OF COMMISSIONERS (HABOC) MEETING  
TUESDAY- -NOVEMBER 6, 2007- -7:25 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:38 p.m. Commissioner Torrey led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Board Members deHaan, Gilmore, Matarrese, Tam, Commissioner Torrey, and Mayor/Chair Johnson - 6.

Absent: None.

CONSENT CALENDAR

Commissioner Torrey moved approval of the Consent Calendar.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 6. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*HABOC) Minutes of the Special Board of Commissioners meeting held September 4, 2007. Approved.

AGENDA ITEMS

(07-514) Recommendation to authorize the City Manager or her designee to accept a Deed of Release of Restrictions from the National Park Service for Neptune Park and a Declaration of Restrictions for a new City-owned parcel located near Towata Park and to enter into a license agreement with the Housing Authority to provide parking for Independence Plaza residents on an 11,575 square foot tract of land on Neptune Park.

Councilmember/Commissioner Gilmore stated that she would recuse herself from the item because of the possible appearance of bias.

Vice Mayor/Commissioner Tam inquired what is the parking need.

The Housing Authority Executive Director responded the parking need is for the Independent Plaza Senior Complex as well as the Housing Authority office; stated the Senior Complex requires .75 parking spaces per unit; the Complex has 186 units; the office parking need has a formula and is also left to the judgment of the Planning Director; a total of 195 or 198 parking spaces are required; the proposed additional parking spaces would bring the total to 180 spaces; Berkeley studies have shown that low-income senior complexes can get by with .6 parking spaces per unit; experience

has proven that more is needed.

Vice Mayor/Commissioner Tam inquired whether the combination of the housing units and office space bumps up the need to .75 parking spaces per unit as opposed to .6.

The Housing Authority Executive Director responded the additional parking would provide for less than .75 parking spaces per unit.

Vice Mayor/Commissioner Tam inquired whether some consideration was given to improving access from the housing units to the bus stops; stated bus stops are gated off; further inquired whether efforts were made to improve access to public transit in lieu of providing more vehicle access.

The Housing Authority Executive Director responded that he is not sure whether there was a discussion about bus stop access; stated fences are in place for security purposes; the complex has gates in the back, side, and front.

Vice Mayor/Commissioner Tam inquired whether seniors have easy access to and from the bus stops.

The Housing Authority Executive Director responded seniors have to walk farther to the bus stop at the corner of Webster Street and Atlantic Avenue; stated seniors would need to walk through the parking lot if there was a gate; there is no room for sidewalks; another bus stop at the front of the office is accessible.

Vice Mayor/Commissioner Tam inquired whether consideration was given to the issue in 2005.

The Housing Authority Executive Director responded that he does not recall any discussion regarding adding gates in order to improve access to bus stops.

Vice Mayor/Commissioner Tam inquired whether consideration was given to relocating bus stops or providing easier access to transit.

The Housing Authority Executive Director responded in the negative; stated automobiles and parking are being discussed, not buses.

Mayor/Chair Johnson stated that the assumption that senior housing requires less parking is not accurate.

The Housing Authority Executive Director stated Seniors are more

active at Independence Plaza; automobiles provide independence; paratransit is available; a bus from Chinatown shows up quite a bit.

Vice Mayor/Commissioner Tam inquired whether a car-sharing program is available, to which the Housing Authority Executive Director responded that he does not know.

Mayor/Chair Johnson stated the City of Berkeley has a good car sharing program; suggested staff look into the matter.

Vice Mayor/Commissioner Tam stated the Housing Authority estimates that it would cost \$190,000 to build the Independence Plaza parking lot; inquired whether said cost would be recouped from rent increases.

The Housing Authority Executive Director responded funding would be from reserves; stated reserves get refunded from grants.

Vice Mayor/Commissioner Tam inquired whether parking would be free, to which the Housing Authority Executive Director responded in the affirmative.

Vice Mayor/Commissioner Tam inquired whether there are opportunities to acquire additional park space on the West End as opposed to east of Park Street [near Towata Park].

The Housing Authority Executive Director responded the National Park Service does not allow deed restriction on an existing park; stated the additional parcel from East Bay Municipal Utility District (EBMUD) was not a park; the deed restriction needs to be placed on non-park land.

Vice Mayor/Commissioner Tam inquired whether there are opportunities to expand an existing park on the west side.

The Housing Authority Executive Director responded [West End] parks or property were not identified.

Vice Mayor/Commissioner Tam inquired about the Coast Guard housing area, to which the Housing Authority Executive Director responded said area was not available at the time.

Richard Neveln, Alameda, suggested that the matter be referred to the Transportation Commission.

Kim Nicholis, Alameda, discussed parking.

Councilmember/Commissioner deHaan inquired how many parking spaces are needed for the Housing Authority office.

The Housing Authority Executive Director responded two parcels are involved; stated one parcel would add an additional twenty to twenty-two parking spaces; fourteen parking spaces would be needed on the eastern portion.

Councilmember/Commissioner deHaan inquired whether the equation would change to 0.6 parking spaces per tenant.

The Housing Authority Executive Director responded the parking space would increase to 0.7 and would be less than the 0.75 required in the City ordinance.

Councilmember/Commissioner deHaan stated seniors are staying in the workforce longer; dynamics have changed.

Councilmember/Commissioner deHaan moved approval of the staff recommendation.

Mayor/Chair Johnson inquired whether some Housing Authority vehicles are parked off site.

The Housing Authority Executive Director responded said vehicles are all parked on site; stated some vehicles are locked inside the garage; others are parked behind the gate in a secured area.

Mayor/Chair Johnson stated the preference is to avoid taking away any green area for parking; inquired whether Housing Authority vehicles could be parked off site.

The Housing Authority Executive Director responded the fenced area behind the gate is a secured area and is used for ingress and egress for maintenance vehicles.

Mayor/Chair Johnson inquired whether additional spaces would be added for Housing Authority vehicles, to which the Housing Authority Executive Director responded in the negative.

Councilmember/Commissioner deHaan inquired whether trees would be removed, to which the Housing Authority Executive Director responded in the affirmative.

Councilmember/Commissioner deHaan inquired whether similar, mature trees would be replanted, to which the Housing Authority Executive

Director responded in the affirmative.

Councilmember/Commissioner deHaan inquired whether the Public Works Department is comfortable with the plan.

The Housing Authority Executive Director responded the matter has been discussed with the Recreation and Parks Department, not Public Works.

Councilmember/Commissioner Matarrese stated the same issues were discussed in 2005; the City has a Vehicle Procurement Policy; the next step is to get a Vehicle Use Policy; the vacant lot purchased from EBMUD would be designated as a park, which is a positive step; the motion should include that the staff recommendation is accepted with the provision that the City develop a Vehicle Use Policy and that no more park space be taken from the site.

Vice Mayor/Commissioner Tam stated that she does not think that this [parking lot] is the best use of the parkland; she will not support the staff recommendation.

Councilmember/Commissioner Matarrese seconded the motion with direction that the City develop a Vehicle Use Policy and that no more park space be taken from the site.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers/Commissioners deHaan, Matarrese, Commissioner Torrey, and Mayor/Chair Johnson - 4. Noes: Councilmember / Commissioner Tam - 1. Abstentions: Councilmember / Commissioner Gilmore - 1. [Note: Councilmember/Commissioner Gilmore recused herself from the item because of the possible appearance of bias.]

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 8:05 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND  
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING  
TUESDAY- -NOVEMBER 6, 2007- -7:29 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 8:09 p.m.

ROLL CALL - Present: Councilmembers/Commissioners deHaan,  
Gilmore, Matarrese, Tam, and Mayor/Chair  
Johnson - 5.

Absent: None.

CONSENT CALENDAR

Mayor/Chair Johnson announced that the recommendation to approve a Lease with Alameda Wine Company [paragraph no. 07-045 CIC] was removed from the Consent Calendar for discussion.

Vice Mayor/Commissioner Tam moved approval of the remainder of the Consent Calendar.

Councilmember/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*07-515 CC/\*07-043 CIC) Minutes of the Special Joint City Council and Community Improvement Commission meeting held on October 16, 2007. Approved.

(\*07-044 CIC) Recommendation to approve a Contract with Ampco Parking, Inc., in the amount of \$124,682 for the management and operation of the Civic Center parking structure. Accepted.

(\*07-045 CIC) Recommendation to approve a Lease with Alameda Wine Company for 2315 Central Avenue in the Historic Alameda Theater.

The Development Services Director provided a brief presentation.

Commissioner Gilmore stated Section 7 of the Lease specifies how the winebar would be used; she would like to add specific language requiring that the winebar remain a winebar and not be allowed to convert to a wine store; the Commission did not intend to have a third wine store in the Park Street District; the intent was to have a wine bar that serves food; inquired whether the winebar owner has filed for licenses.

The Development Services Director stated the owner does not want to



file for the licenses until the lease is approved because of the fees.

Commissioner Gilmore inquired what type of licenses are needed.

The Development Services Director responded food and beverage licenses are not separate; stated the major issue would be the Use Permit for the exterior seating; the owner would need a full liquor license from Alcohol Beverage Control (ABC); the facility will be an "over 21" establishment.

Commissioner Gilmore moved approval of the staff recommendation with direction to add language to Section 7 of the lease requiring that the wine bar not be allowed to convert to a wine store.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(\*07-046 CIC) Recommendation to approve a Lease with BurgerMeister Management, Inc. for 2319 Central Avenue in the Historic Alameda Theater. Accepted.

#### AGENDA ITEM

(07-516 CC/07-047 CIC) Public Hearing to consider approval of a first addendum to the Alameda Landing Mixed-use Development Project Supplemental Environmental Impact Report, first amendment to the Development Agreement, and first amendment to the Disposition and Development Agreement for the Alameda Landing Mixed Use Project to modify the Public Waterfront Promenade;

(07-516A CC) Adoption of Resolution Certifying the Addendum to the Alameda Landing Mixed-Use Development Project Supplemental Environmental Impact Report;

(07-516B CC) Adoption of Resolution Approving and Authorizing Execution of a First Amendment to a Disposition and Development Agreement with Palmtree Acquisition Corporation (Successor by Merger to Catellus Development Corporation) for the Sale and Development of Certain Real Property at the Fleet Industrial Supply Center (FISC);

(07-047A CIC) Adoption of Resolution Approving an Addendum to the Supplemental Environmental Impact Report for the Alameda Landing Mixed-Use Development Project Authorizing the Executive Director to Amend the Disposition and Development Agreement with Palmtree Acquisition Corporation (Successor by Merger to Catellus Development Corporation) for the Sale and Development of Certain Real Property at the FISC; and,

(07-516C CC) Introduction of Ordinance Approving a First Amendment to Development Agreement DA-06-003 By and Between the City of Alameda and Palmtree Acquisition Corporation (Successor by Merger to Catellus Development Corporation). **Continued to December 4, 2007.**

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 8:15 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.